

JOURNAL OF THE HOUSE.

Monday, November 14, 2005.

Met according to adjournment, at eleven o'clock A.M., with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, the Ultimate Source of Compassion and Truth, we look to You for direction and guidance as we take up the items on today's legislative calendar. In this morning's prayer we ask for Your gift of wisdom, which we believe assists us in evaluating correctly and selecting confidently our best legislative and personal options. As elected leaders in our communities, inspire us to take a moment, on occasion, to reflect on the current and future consequences of our decisions. Your help and presence in our midst strengthen our commitment to remain faithful to You, to our philosophical principles and to our religious beliefs and values. Let the needs of our families, our children and our communities remain our top priorities.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Appointment to a Special Commission.

The Speaker announced the appointment of Representative Wolf of Cambridge as the designee of the Chairman of the House committee on Ways and Means to the special commission established (under section 2 of chapter 45 of the Acts of 2005) to make an investigation and study of methods to better coordinate, expand, finance, and improve accessible, affordable, quality out-of-school time programming for school age children in all settings.

After and Out-of-
School-Time
Commission.

Statement Concerning Representative Connolly of Everett.

A statement of Mr. Rogers of Norwood concerning Mr. Connolly of Everett was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Connolly of Everett, will not present in the House Chamber during today's sitting due to illness. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement
concerning
Representative
Connolly of
Everett.

Statement Concerning Representative Correia of Fall River.

A statement of Mr. Rogers of Norwood concerning Mr. Correia of Fall River was spread upon the records of the House, as follows:

Statement
concerning
Representative
Correia of
Fall River.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Correia of Fall River, will not present in the House Chamber during today's sitting due to his hospitalization. Any roll calls that he may miss today and the next several days will be due entirely to the reason stated.

Statement Concerning Representative Kennedy of Brockton.

A statement of Mr. Rogers of Norwood concerning Mr. Kennedy of Brockton was spread upon the records of the House, as follows:

Statement
concerning
Representative
Kennedy of
Brockton.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kennedy of Brockton, will not be present in the House Chamber for today's sitting due to his hospitalization. Any roll calls that he may miss today and the next several days will be due entirely to the reason stated.

Statement of Representative Pignatelli of Lenox.

A statement of Mr. Pignatelli of Lenox was spread upon the records of the House, as follows:

Statement of
Representative
Pignatelli of
Lenox.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not be present in the House Chamber for a portion of today's sitting because I was on official business in the State House and not notified that a quorum roll call was in progress.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Lynnfield,
Sunrise
Assisted
Living.

Resolutions (filed by Messrs. Jones of North Reading and Falzone of Saugus) celebrating the grand opening of the Sunrise Assisted Living of Lynnfield;

Armenian
Women's
Welfare
Association.

Resolutions (filed by Mr. Koutoujian of Waltham) congratulating the Armenian Women's Welfare Association on the occasion of its ninetieth anniversary and the thirtieth anniversary of its Luncheon/Auction celebration;

World War II vic-
tory.

Resolutions (filed by Mrs. Poirier of North Attleborough) on the occasion of the sixtieth anniversary of the Allied victory in World War II;

U.S.S. Boston
ships.

Resolutions (filed by Mr. Ross of Wrentham and other members of the House) recognizing the U.S.S. Boston ships that have protected our nation and the brave and dedicated veterans who have served on the U.S.S. Boston ships; and

Joseph L.
Day, Jr.

Resolutions (filed by Mr. Rush of Boston) congratulating Joseph L. Day, Jr. of West Roxbury on his induction into the Massachusetts Basketball Coaches' Association Hall of Fame;

Mrs. Parente of Milford, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Bosley of North Adams, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communication.

Communication from the Norfolk County Registry of Deeds (under Section KKK of Chapter 29 of the General Laws) submitting an initial plan for technological improvements at said registry (copies of said communication referred, as required under said law, to the committee on Ways and Means and the committee on Post Audit and Oversight), was read for the information of the House; and it was placed on file.

Norfolk County
Registry of
Deeds.

Petition.

Mr. Carron of Southbridge presented a petition (accompanied by bill, House, No. 4497) of Mark J. Carron and Richard T. Moore (with the approval of the town council) that the town of Southbridge be authorized to grant additional licenses for the sale of alcoholic beverages; and the same was referred to the committee on Consumer Protection and Professional Licensure. Sent to the Senate for concurrence.

Southbridge,
liquor
licenses.

Papers from the Senate.

The House Bill promoting access to health care (House, No. 4479) came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2266; and striking out the title and inserting in place thereof the following title: "An Act providing for health access, affordability and accountability."

Health care,
access.

Under suspension of the rules, on motion of Mrs. Walrath of Stow, the amendments were considered forthwith.

The House then non-concurred with the Senate in its amendments; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. The Representatives Walrath, Mariano of Quincy and Hargraves of Groton then were appointed as the committee on the part of the House. Sent to the Senate to be joined.

Committee of
conference.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2270) of Thomas M. McGee and Douglas W. Petersen (by vote of the town) for legislation to create a board of registrars in the town of Swampscott; and

Swampscott,
board of
registrars.

Petition (accompanied by bill, Senate, No. 2271) of Michael W. Morrissey, Joseph R. Driscoll and Brian A. Joyce (by vote of the town) for legislation relative to Braintree Electric Light Department generating project;

Braintree,
generating
project.

Severally to the committee on Municipalities and Regional Government.

Bills

Establishing the Massachusetts Nursing and Allied Health Workforce Development Trust Fund (Senate, No. 737) (on a petition);

Nursing, etc.,
development
trust fund.

Wine,
off
premises.

Relative to the on-premises consumption of wine (Senate, No. 2213) (on Senate, No. 210);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Westborough
and
Shrewsbury.

Petition (accompanied by bill) of Karyn E. Polito and others relative to extending the term of the agreement between the town of Shrewsbury and the town of Westborough for the treatment plant located in said town of Westborough. To the committee on Municipalities and Regional Government.

North
Attleborough,
Women
Veterans
Bridge.

Petition (accompanied by bill) of Elizabeth A. Poirier for legislation to designate a certain bridge on Route 152 in the town of North Attleborough as the Women Veterans Memorial Bridge. To the committee on Transportation.

Under suspension of the rules, on motion of Mr. Bosley of North Adams, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Small
businesses,
property tax.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to the property tax classification of small businesses (House, No. 1472),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

Asset
development.

By Mr. Mariano of Quincy, for the committee on Financial Services, on Senate, No. 651 and House, No. 3740, a Resolve establishing the Massachusetts asset development commission (House, No. 3740). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Veterans,
retirement.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to disability retirement benefits for veterans (Senate, No. 2035, amended) ought to pass with an amendment by striking out section 2. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the following bills ought to pass:

Collective
bargaining.

Bill relative to written majority authorization cards, petitions and other written evidence of collective bargaining results (House, No. 429);

U. Mass.

Bill relative to University of Massachusetts — employee payroll deduction (House, No. 1256);

Bill relative to the Environmental Trust (House, No. 1283); and Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the city of Peabody (House, No. 4247) [Local Approval Received];

Environment.
Peabody.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Petrucci of Boston, for the committee on Election Laws, on a petition, a Bill relative to the board of selectmen of the town of Upton (House, No. 4373) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Upton.

By Mr. Koutoujian of Waltham, for the committee on Public Health, on a petition, a Bill prohibiting the sale of tobacco products to and possession by persons under 19 (House, No. 1824).

Tobacco,
possession.

By the same member, for the same committee, on Senate, No. 1261 and House, Nos. 2682 and 2693, a Bill relating to the Massachusetts Center for Nursing, Inc. (House, No. 2693).

Nursing
center.

By the same member, for the same committee, on a petition, a Bill relative to Asperger's Syndrome (House, No. 2715).

Asperger's
Syndrome.

By the same member, for the same committee, on a petition, a Bill relative to enhancing the health of school children (House, No. 3637).

School
children, health.

By the same member, for the same committee, on a petition, a Bill to provide pediatric palliative care to children with life limiting illnesses in the Commonwealth (House, No. 3948).

Pediatric
care.

Severally read; and referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to organ and tissue donations (Senate, No. 2236) ought to pass with an amendment.

Organ
donors.

By the same member, for the same committee, that the Bill relative to smart growth zoning and housing production (Senate, No. 2237) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4495.

Smart
growth
zoning.

By the same member, for the same committee, that the Bill relative to treating veterans equally under the pension laws (House, No. 3977) ought to pass with an amendment substituting therefor a Bill relative to creditable service for judges (House, No. 4496).

Veterans,
retirement.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendments pending.

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading with the amendments pending.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing

Brockton,
park land.
Brockton,

park land.

the city of Brockton to convey certain park land (House, No. 4470) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Charities.

House bills

Peter Jakub Jegorow.

Relative to charities in Massachusetts (printed as Senate, No. 1074); Authorizing Peter Jakub Jegorow to take the civil service examination for the position of firefighter in the city of Haverhill notwithstanding the maximum age requirement (House, No. 295);

Firefighters.
Concord,
insurance.

Pertaining to fire fighter safety (House, No. 1929);

Authorizing the town of Concord to establish a post-retirement group health insurance trust fund (House, No. 2980) [Local Approval Received];

Bill of Rights.
Truro,
charter.

Declaring December 15 as Bill of Rights Day (House, No. 3477); Relative to the charter of the town of Truro (House, No. 4104) [Local Approval Received];

Julio
Perez.

Authorizing Julio Perez to take the civil service examination for the position of firefighter in the city of Haverhill notwithstanding the maximum age requirement (House, No. 4119) [Local Approval Received];

Swampscott.

Relative to reduction in rank for members of the fire department of the town of Swampscott (House, No. 4184) [Local Approval Received];

Shrewsbury.

Relative to the membership of the town meeting of the town of Shrewsbury (House, No. 4206) [Local Approval Received];

Stoughton.

Authorizing the town of Stoughton to establish a MWRA capital infrastructure fund (House, No. 4255, changed) [Local Approval Received];

Maureen A.
Sullivan.

Establishing a sick leave bank for Maureen A. Sullivan, an employee of the Massachusetts Parole Board (House, No. 4357);

Southbridge.

Amending the town of Southbridge home rule charter (House, No. 4382) [Local Approval Received];

Sudbury.

Establishing a revolving fund in the town of Sudbury (House, No. 4389, changed) [Local Approval Received]; and

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Relative to the historic district commission of the town of Sudbury (House, No. 4390) [Local Approval Received];

Severally placed in the Orders of the Day for the next sitting for a second reading.

Capital
punishment.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, ought NOT to pass, on a message from His Excellency the Governor recommending legislation relative to reinstating capital punishment in the Commonwealth (House, No. 3834). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting, the question, being on acceptance.

Emergency Measure.

The engrossed Bill relative to a loaded shotgun or rifle (see Senate, No. 2255), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Loaded
weapon,
definition.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 10 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Authorizing the refund of automobile sales tax to Helen Bergman of the town of Wilmington (see House, No. 2313); and

Bills
enacted.

Relative to state unemployment tax avoidance (see House, No. 4342, amended);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

House bills

Authorizing a public waterfront walkway to be exempted from the harbor line in the Charlestown Navy Yard in the city of Boston (House, No. 1305, changed) (its title having been changed by the committee on Bills in the Third Reading);

Third
reading
bills.

Authorizing the town of Mansfield to establish an affordable housing trust fund (House, No. 4197); and

Authorizing the town of Mansfield to establish a housing corporation (House, No. 4334);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

House reports

Of the committee on Public Health, ought NOT to pass, on the petition (accompanied by bill, House, No. 2623) of Marie J. Parente for legislation to authorize municipal boards of health to exempt certain bars from the smoking ban;

House
reports.

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2628) of Christopher G. Fallon relative to smoking at beano games; and

House

reports.

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3954) of Marie J. Parente for legislation to permit smoking at certain times during operation of the game commonly called Beano;

Severally were accepted.

Recess.

At thirteen minutes after eleven o'clock A.M., on motion of Mr. Rushing of Boston (Mr. Petrolati of Ludlow being in the Chair), the House recessed until one o'clock P.M.; and at that time the House was called to order with Mr. Petrolati in the Chair.

Gate shows.

The House Bill relative to gate shows (House, No. 4493), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Donato of Medford moved that it be amended by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to allow certain shows at the Boston Convention and exhibition center, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendment was adopted; and the bill (House, No. 4493, amended) was passed to be engrossed. Subsequently Mr. Walsh of Boston moved that this vote be reconsidered.

Pending the question on the motion to reconsider, further consideration thereof was postponed, on further motion of the same member, until Wednesday, November 16, 2005.

Engrossed Bills — Land Takings.

Revere, land conveyance.

The engrossed Bill authorizing the conveyance of a certain parcel of Commonwealth land to the city of Revere for public purposes (see House, No. 4308, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (Land taking), yea and nay No. 289.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 149 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 289 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Upton, property disposition.

The engrossed Bill providing for the disposition of certain property in the town of Upton (see House, No. 4371, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (Land

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

taking), yea and nay No. 290.

[See Yea and Nay No. 290 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The House Bill relative to direct wine shipments (House, No. 4477) was considered.

Wine shipments.

Pending the question on adoption of the amendment,— that the bill be amended by substitution of a bill authorizing the direct shipment of wine (House, No. 4490),— and the main question on ordering the bill to a third reading, Mrs. Walrath of Stow moved that the proposed substitute bill be amended in section 6, in line 00, and also in line 00, by striking out the figures "30,000" and inserting in place thereof, in each instance, the figures "50,000"; and the further amendments were adopted.

Mr. Walsh of Boston then moved that the proposed substitute bill be amended by adding at the end thereof the following two sections:

"SECTION 9. Said section 23 of said chapter 138, as so appearing, is hereby amended by striking out, in lines 28 to 33, the words 'nineteen B' and inserting in place thereof the following words:— 19F.

SECTION 10. Said section 23 of said chapter 138, as so appearing, is hereby further amended by inserting after the words 'section eighteen', in line 39, the following words:- or section 19F."

After remarks the further amendment was adopted.

Mr. Walsh of Boston then moved that the proposed substitute bill be amended by adding at the end thereof the following section:

"SECTION 11. Said section 22 of said chapter 138, as so appearing is hereby further amended by striking out, in lines 59 to 62, inclusive, the words 'There shall be no fee for such permit, and persons operating a vehicle when engaged in such transportation or delivery shall not be required to carry such permit or certified copy thereof.' and inserting in place thereof the following words:— There shall be a fee for such permit, and persons operating a vehicle when engaged in such transportation or delivery shall be required to carry such permit or certified copy thereof."

After remarks the further amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved that the proposed substitute bill be amended by adding at the end thereof the following two sections:

"SECTION 12. The first paragraph of section 12 of chapter 138, as appearing in the 2002 Official edition, is hereby amended, in line 16, by striking the period after the word 'hereunder' and adding the following:— ; and provided further that the limitations relative to service and consumption in a restaurant or hotel only in the dining

Wine

shipments.

room or dining rooms and such other public rooms or areas deemed reasonable and proper by the local licensing authorities shall not be deemed to preclude said restaurant or hotel from permitting a patron from retaining and taking off premises only so much as may remain of any bottled wine purchased by said patron in conjunction with a meal and not totally consumed by the patron during such meal. Provided, however, that the bottle shall be re-sealed in accordance with regulations promulgated by the Alcoholic Beverages Control Commission.

SECTION 13. Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, a bottle re-sealed in accordance with the regulations promulgated by the Alcoholic Beverages Control Commission shall not be considered an 'open container' of alcoholic beverages for the purposes of chapter 90, section 24I or any other law."

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 149 members voted in the affirmative and 0 in the negative.

[Messrs. DiMasi of Boston and Donelan of Orange answered "Present" in response to their names.]

[See Ye and Nay No. 291 in Supplement.]

Therefore the further amendment was adopted.

Mr. DeLeo of Winthrop then moved that the proposed substitute bill be amended in section 6 by striking out, in subsection (g), paragraph (2) and inserting in place thereof the following paragraph:

"(ii) A second violation of this section may be punished by a suspension of the winery's direct shipment license for not more than 1 year, a fine of \$500, or both.", by striking out paragraph (4) and inserting in place thereof the following paragraph:

"(iv) If a violation of this section involves a sale or delivery to a person under 21 years of age, a first offense may be punished by a suspension of the winery's direct shipment license for not more than 1 year; and a second offense may be punished by a prohibition of the winery from making any shipments of wine under this section or through a wholesaler or importer under section 18; provided, however, that after 1 year the winery may apply for the authority to ship wine through a wholesaler or importer under section 18. This paragraph shall not preclude punishment under section 34."; and in section 8 by striking out the last sentence and inserting in place thereof the following sentence: "Receipts for delivery of said parcels shall contain a check box next to the recipient's signature where he shall certify that he is not under 21 years of age and a check box where the delivery person shall certify that valid identification showing that the recipient is not under 21 years of age was presented by the recipient upon delivery."

The further amendments were adopted.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of House, No. 4490, as amended,— then also was adopted; and the substituted bill was ordered to a third reading.

Further amendment adopted, ye and nay No. 291.

Subsequently, under suspension of the rules, on motion of Mr. Pedone of Worcester, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn), was read a third time.

Pending the question on passing the bill to be engrossed, the same member moved that it be amended in section 6 (as printed) by striking out paragraph (e) and inserting in place thereof the following paragraph:

"(e) A household shall not be permitted to receive delivery of more than 240 liters of wine per year from licensees under this section."

The amendment was adopted; and the bill, as amended, was passed to be engrossed. The bill (House, No. 4498, printed as amended) then was sent to the Senate for concurrence.

Recess.

At seventeen minutes before three o'clock P.M., on motion of Mr. Fennell of Lynn (Mr. Petrolati of Ludlow being in the Chair), the House recessed until three o'clock P.M.; and at twenty minutes after the hour of three o'clock the House was called to order with Mr. Petrolati in the Chair.

Recess.

Quorum.

Mr. Flynn of Bridgewater then asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 144 members were recorded as being in attendance.

Quorum.

Quorum, ye and nay No. 292.

[See Ye and Nay No. 292 in Supplement.]

Therefore a quorum was present.

Orders of the Day.

The House Bill relating to the Reggie Lewis Track at Roxbury Community College (House, No. 4366), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Reggie Lewis Track.

After remarks on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Murphy of Lowell; and on the roll call 151 members voted in the affirmative and 0 in the negative.

Bill passed to be engrossed, ye and nay No. 293.

[See Ye and Nay No. 293 in Supplement.]

Therefore the bill (House, No. 4366) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to HIV and Hepatitis C prevention (House, No. 4176), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Hypodermic syringes.

Hypodermic
syringes.

After debate on the question on passing the bill to be engrossed, Mr. Pignatelli of Lenox moved that it be amended in sections 3, 5, 6, 7, 8, 9, 10 and 11 by striking out the words “hypodermic syringes or hypodermic needles” and inserting in place thereof, in each instance, the words “retracting hypodermic syringes or hypodermic needles”; and the amendments were rejected.

The same member then moved that the bill be amended in sections 3, 5, 6, 7, 8, 9, 10 and 11 by striking out the words “hypodermic syringes or hypodermic needles” and inserting in place thereof, in each instance, the words “retracting hypodermic syringes”; and the amendments were rejected.

Mr. Koutoujian of Waltham and other members of the House then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 12. Notwithstanding any general or special law to the contrary, the department of environmental protection and the department of public health in conjunction with other relevant state and local agencies and government departments shall design, establish and implement or cause to be implemented a program for the collection and disposal of non-commercially generated spent hypodermic needles and lancets.

The program shall be designed to protect the public health and the environment by providing for the safe, secure and accessible collection and disposal of hypodermic needles and lancets.

The departments may collaborate with private companies as well as not-for-profit agencies when designing, establishing and/or implementing said program.”

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Koutoujian; and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 294 in Supplement.]

Therefore the amendment was adopted.

Mr. Koutoujian then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 13. Whoever places, throws, deposits, or discharges or whoever causes to be placed, thrown, deposited or discharged non-commercial spent sharps or lancets on a public highway or within 20 yards of public highway or on any other public land including public school yards and open spaces, parks and recreation areas, or in or upon coastal or inland waters as defined in section 1 of chapter 131 or within 20 yards of such waters or on property of another or on lands dedicated for open space purposes, shall be punished by a fine of not more than \$5500 for the first offense and a fine not to exceed \$15,000 for each subsequent offense.”

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 295 in Supplement.]

Therefore the amendment was adopted.

Amendment
adopted,
yea and nay
No. 294.

Amendment
adopted,
yea and nay
No. 295.

Ms. Balser of Newton and other members of the House then moved that the bill be amended in section 6, in line 13, by inserting after the word “hotlines” the words “the Massachusetts Substance Abuse Information and Education Helpline”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Ms. Balser; and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 296 in Supplement.]

Therefore the amendment was adopted.

Mr. Frost of Auburn then moved that the bill be amended in section 3, in line 10, by inserting after the word “supplies” the words “; provided further, that the community’s commissioner or chief of police allows the pharmacy to do so”; and after debate the amendment was rejected.

The same member then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 14. Notwithstanding any other provision of this act to the contrary, that the sale of hypodermic syringes may be made by a pharmacy only with the approval of the community’s commissioner or chief of police.”

The amendment was rejected.

Mr. Frost then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 14. Notwithstanding any other provision of this act to the contrary, that the sale of hypodermic syringes may be made by a pharmacy only with local approval. For the purposes of this act, local approval shall be considered to be by the approval of the municipal council and the mayor in a city or by the affirmative vote of a town meeting in a town.”

After debate on the question on adoption of the amendment (Mrs. Harkins of Needham being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mr. Frost; and on the roll call 49 members voted in the affirmative and 103 in the negative.

[See Yea and Nay No. 297 in Supplement.]

Therefore the amendment was rejected.

After debate on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Travis of Rehoboth; and on the roll call 115 members voted in the affirmative and 37 in the negative.

[See Yea and Nay No. 298 in Supplement.]

Therefore the bill was passed to be engrossed. Mr. Koutoujian of Waltham moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill (House, No. 4176, amended) then was sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered. That when the House adjourns today, it adjourn to meet tomorrow at eleven o’clock A.M.

Amendment
adopted,
yea and nay
No. 296.

Amendment
rejected,
yea and nay
No. 297.

Bill
engrossed,
yea and nay
No. 298.

Next
sitting.

Ms. Kaprielian of Watertown then moved the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, a ten minutes after six o'clock P.M. (Mrs. Harkins of Needham being in the Chair) the House adjourned, to meet tomorrow at eleven o'clock A.M.